

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN JADE RED FOX,

Defendant.

CR-24-11-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 26, 2024. (Doc. 9.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 26, 2024. (Doc. 5.) The United States accused Dustin Red Fox (Red Fox) of violating his conditions of

supervised release 1) by committing another crime; and 2) by consuming alcohol. (Doc. 3.)

At the revocation hearing, Red Fox admitted to having violated the conditions of his supervised release by consuming alcohol. The Court dismissed alleged violation 1 on the government's motion. (Doc. 5.) Judge Johnston found that the violation Red Fox admitted is serious and warrants revocation of his supervised release and recommends a sentence until April 15, 2024, with 34 months of supervised release to follow. Judge Johnston also recommends that Red Fox should serve the first 60 days of his supervised release in a secure inpatient drug treatment facility such as Connections. Red Fox was advised of his right to appeal and her right to allocute before the undersigned and waived those rights. (Doc. 5.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc.6) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Dustin Jade Red Fox be sentenced to the Bureau of Prison until April 15, 2024 with 34 months of supervised release to follow. Red Fox should serve the first 60 days of his supervised release in a secure drug treatment facility such as Connections Corrections.

DATED this 29th day of March, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court